

OVERVIEW BY TOPIC OF PROPOSED AMENDMENTS TO ANIMAL CONTROL CODE
Presented to Councilmember Jan Drago by the Animal Control Code Review Panel
February 26, 2003
Revised March 19, 2003 (See #12)

Note: This document is a summary of most of the key issues contained in the “Proposed Amendments” document, which contains the actual code text for which changes are therein suggested.

	STATEMENT OF PROBLEM	RECOMMENDED SOLUTION	VOTE
1.	Lack of due process. Under current City code, a dog found by Animal Control to be “potentially dangerous” will receive a warning for the owner. Panel members feel that the current system does not provide clear “due process” because they are not allowed a chance to rebut the warning, no opportunity for a hearing to contest the warning. They also feel that since dog owners can receive a civil citation for violations of the leash law or “poop scoop” law, perceived to be lesser offenses, that the City should change the animal control code to make owning a “potentially-dangerous” dog subject to a civil citation as well. Such a move would bring more equity among the various offenses and would provide dog owners the opportunity to appeal the civil citation to a magistrate, just as a ticket for a parking violation or speeding violation can be appealed.	Recommendation: Create a new civil citation for potentially dangerous dog notices, with right of appeal.	8-0
2.	Definitions of “potentially dangerous” and “dangerous” animals are vague and overly broad: <ul style="list-style-type: none">There is no distinction between a nip and a severe bite or maulingThere is no distinction between behaviors dangerous to humans vs. behaviors dangerous to animals.	Recommendation: (See “Proposed Amendments” document for full text of definitions.) Changing the definitions of “potentially dangerous animal” and “dangerous animal” to reflect an escalating 5-tier scale, based on severity of behavior, as follows: <ul style="list-style-type: none">Level 1 Potentially Dangerous Animal - has not bitten a domestic animal or human being;Level 2 Potentially Dangerous Animal - has caused less than severe injury to a domestic animal, but has not bitten a human being;Level 3 Potentially Dangerous Animal - has inflicted less than severe injury to a human being, or has caused severe injury to, or killed, a domestic animal; a Level 3 potentially dangerous animal shall be muzzled and leashed whenever off the property of the owner and outside of a secure enclosure.Level 4 – Dangerous animal – An animal determined to be dangerous that has not killed or severely mauled a human being.Level 5 – Dangerous Animal – An animal that has killed or severely mauled a human being. An animal so found shall be humanely destroyed.	7-1
3.	The City of Seattle does not allow “dangerous dogs” within the City limits. The only options the City currently allows for disposition of dogs declared to be “dangerous”, either by the Courts or by administrative action, are euthanasia or placement in a secure animal sanctuary, such as Best Friends in Kanab, Utah. Washington State law allows the licensing of certain “dangerous” dogs, if certain conditions are met regarding placement in an enclosed structure, proof of \$250,0000 liability insurance, and other restrictions. The City could choose to add a higher level of requirements if the law were changed to allow certain “dangerous” dogs within its City limits.	Recommendation a: Allow Level 4 ‘dangerous’ dogs within the City if all state and local conditions are met. Recommendation b: Allow the owner to move the dog to another jurisdiction that does allow dangerous dogs, after proof has been presented to Seattle Animal Control that all conditions have been met. If a Level 4 dog is sent to a sanctuary, the owner should be allowed to visit the dog where it is confined, if he/she so chooses.	a. 6-2 b. 7-1
4.	Too much power is given to the Director of Seattle Animal Control to make administrative determinations of “dangerous dogs” and to thereby order their destruction. The Director is allowed to be investigator, prosecutor, judge, jury and executioner.	Recommendation: a. Rescind SMC 9.25.035, Director’s right to declare an animal to be dangerous. b. Rescind SMC 9.25.036, Appeal of Director’s determination. c. Rescind SMC 9.25.037, Authority of Hearing Examiner (re: appeal) d. Add SMC 9.25.038, to provide for mediation and/or a hearing when a declaration of potentially dangerous or	4-2 2 abstentions

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		dangerous is made by Director.	
5.	Current code makes no distinction between “warranted” and “unwarranted” aggressive behavior. A dog that is provoked into an aggressive behavior should not be penalized and determined to be potentially dangerous or dangerous.	Recommendation: Approve definition of “provocation” as defined in the attached document of recommended code language changes.	8-0
6.	No declassification of Potentially Dangerous or Dangerous designation. Current City law makes no provision for rehabilitation of a dog determined to be potentially dangerous or dangerous nor for change in status if no further offenses occur.	Recommendation: Allow owner to opportunity to seek rehabilitative training for dog, with the possibility that the designation of potentially dangerous or dangerous could either be removed or moved back one level if there are no repeat offenses after a given lapse of time. a. Adopt a 3-year declassification schedule. b. Adopt a 2-yeardeclassification schedule.	a. 8-0 b. 7-1
7.	Anonymous complaints resulting in potentially dangerous warnings are unfair. Currently, a complaint may be filed with Seattle Animal Control that could result in the issuance of a potentially dangerous notice, and the complainant may request that his/her name be withheld from the dog owner so noticed.	Recommendation: No notice or violation shall be issued unless the complaining party files a sworn affidavit and dog owner is afforded an opportunity to rebut the complaint.	7-0 1 abstention
8.	Cat trapping without notification. Under current practice, Seattle Animal Control issues cat traps to residents who claim to have problems with cats on their property. No notification of surrounding homes is required.	Recommendation: SAC should not issue cat traps without requiring posting of notices throughout the affected neighborhood.	6-0
9.	Automatic euthanization or exile of dogs determined to be dangerous.	Recommendation: Mandatory euthanization shall be restricted to dogs that have severely mauled or killed a human.	8-0
10.	Sale or auction of dogs/cats at fundraising events results in impulse buys that may not be healthy for the animal. City code does not currently address this issue.	Recommendation: The City should ban the auction of live animals at such functions.	4-2 2 abstentions
10.	Proposals to ban dogs by breed (e.g., pit bulls, Staffordshire terriers, etc.).	Recommendation: Add new section to code as follows: “The breed of a dog shall not be evidence of whether an animal is potentially dangerous or dangerous.”	8-0
11.	Feral cats are included in definition of “exotic animals along with venomous snakes, lions, elephants, etc.	Recommendation: Remove “feral” animals from the definition of “exotics”.	8-0
12.	Expedited Procedure Regarding Detention, Limits on Detention . Currently, Seattle may detain an animal pending investigation or hearing on certain offenses such as Negligent Control of an Animal, Owning a Dangerous Animal, or pending investigation on a Declaration of Dangerous Animal, or pending a civil nuisance action without providing a mechanism to challenge the need for continued detention. There is no limit to how long the City may hold an animal while an investigation is being conducted.	Recommendation: The City shall provide an expedited procedure allowing the owner to challenge the necessity for continued detention. A hearing shall be available within three court days of notice to Seattle Animal Control and petition to the Seattle Municipal Court, as provided in a new section to SMC 9.25. At that hearing, the City has the burden of showing by a preponderance of the evidence that continued detention is necessary to ensure the public safety. The Court shall consider evidence on both sides, and any alternatives to City detention that are raised by the animal owner. If the Court allows redemption of the animal, it may require certain conditions designed to ensure public safety, such as muzzling the animal when in public, and it may waive any kenneling fees. In any event, no such animal shall be detained pending investigation of a crime or administrative or civil action for more than 21 days. (If the City does not charge the owner with a crime, declare the animal to be dangerous, or file a civil nuisance action within 21 days, the dog shall be released to the lawful owner without kenneling fees.)	3-1 1 abstention

